

## U.S. Department of Justice



United States Attorney  
Southern District of New York

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86 Chambers Street  
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September 30, 2024

Via ECF

Honorable Dale E. Ho  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *Knight First Amendment Institute at Columbia Univ. v. U.S. Dep’t of State et al.*,  
22 Civ. 3003 (DEH)

Dear Judge Ho:

This Office represents defendants the U.S. Department of State (“State”), the U.S. Department of Homeland Security (“DHS”), and the Office of the Director of National Intelligence (“ODNI”; collectively with State and DHS, “Defendants” or the “Agencies”) in the above-referenced case brought by plaintiff Knight First Amendment Institute at Columbia University (“Plaintiff”) pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

I write respectfully on behalf of both parties to provide a status update pursuant to the Court’s order dated August 30, 2024, Dkt. No. 53.

As noted in the parties’ last joint status report, Dkt. No. 52, the parties are engaged in discussions to attempt to potentially narrow or resolve disputed issues. Plaintiff requested additional information from the Agencies concerning certain of Defendants’ withholdings from the records produced in response to Plaintiff’s FOIA request. The status of each of the Agencies’ responses is as follows:

- **ODNI:** Plaintiff had requested additional information regarding an attachment to an email that was produced as part of ODNI’s response to the FOIA request. ODNI has now provided Plaintiff with the Bates range of its response corresponding to the attachment, which was withheld in full under FOIA exemption 5.
- **DHS:** The parties continue to discuss the scope of DHS’s search. As noted previously, DHS provided an initial response to Plaintiff’s query about this. On Friday, September 27, Plaintiff provided a response, which DHS is reviewing. The parties expect to continue to confer about this.
- **State:** State continues to prepare its response to Plaintiff’s queries regarding its productions in response to the FOIA request.

The parties respectfully propose to provide another status update within 30 days, by October 30, 2024. This will provide an opportunity for the parties to continue to confer regarding the Plaintiff's questions and the Agencies' responses thereto. If the parties have determined that disputed issues remain that they cannot resolve themselves by the date of the next proposed status report, the parties plan to confer regarding a proposed briefing schedule on cross-motions for summary judgment.

We thank the Court for its consideration of this matter.

Respectfully submitted,

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cc: Counsel of record (via ECF)